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IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA  
SAN JOSE DIVISION

JOSE LUCAS ESCOBAR-LAINEZ,

Plaintiff,

V.

**CITY OF SANTA CRUZ; OFFICER R.  
DALEY; OFFICER HATCHER; SHAWN  
WILSON; AND TEN UNKNOWN  
INDIVIDUALS**

**Defendants.**

Case No. C-10-02660-JF

**STIPULATION AND ORDER AS TO  
CLAIM AGAINST DEFENDANT  
SHAWN WILSON**

Judge: Hon. Jeremy Fogel

Action Filed: June 17, 2010

## STIPULATION

IT IS HEREBY AGREED that Plaintiff Jose Lucas Escobar-Lainez (Escobar) is not asserting a claim against Defendant Shawn Wilson (Wilson) under the Fourth Amendment of the United States Constitution for failure to intervene to protect him from the excessive force of another. Any and all other claims against Wilson under the Fourth Amendment remain intact.

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1 Accordingly, the following sentence of “[a]dditionally, defendants failed and refused to  
2 intervene to protect plaintiff from the excessive force of their fellow officers even though they  
3 had the opportunity to protect the plaintiff,” located on lines 15 to 17 on page 4, of Escobar’s  
4 First Amended Complaint, is hereby stricken as to Wilson only.  
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6 LAW OFFICE OF KATHLEEN E. WELLS  
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8 Dated: May 24, 2011

/s/  
9 Kathleen E. Wells  
Attorney for Plaintiff Berry Lynn Adams  
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12 Dated: May 18, 2011

Respectfully Submitted,

13 KAMALA D. HARRIS  
14 Attorney General of California  
15 TYLER B. PON  
Supervising Deputy Attorney General  
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17 /s/ *Daniel B. Alweiss*  
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20 IT IS SO ORDERED  
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22 Dated: 6/8/11  
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DANIEL B. ALWEISS  
Deputy Attorney General  
*Attorneys for Defendant Shawn Wilson*

  
Honorable Jeremy Fogel  
Judge of United States District Court